

# **STATE PERSONNEL BOARD CALENDAR**



**SEPTEMBER 5, 2006**

**SACRAMENTO**

# State of California

## Memorandum

**DATE:** August 25, 2006

**TO:** ALL INTERESTED PARTIES

**FROM:** STATE PERSONNEL BOARD – Executive Office

**SUBJECT:** Notice and Agenda for the **September 5, 2006**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on September 5, 2006, at offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4<sup>th</sup> Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the September 5, 2006, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

**<http://www.spb.ca.gov/calendar.htm>**

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.



Karen Yu  
Secretariat's Office

Attachment



## **CALIFORNIA STATE PERSONNEL BOARD MEETING<sup>1</sup>**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street<sup>2</sup>  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

### **FULL BOARD MEETING – SEPTEMBER 5, 2006**

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<sup>1</sup> Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

<sup>2</sup> Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4<sup>th</sup> Street, Los Angeles, California.

**FULL BOARD MEETING AGENDA<sup>3</sup>**

**SEPTEMBER 5, 2006**  
9:00 a.m. – 4:15 p.m.  
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(9:00 a.m. – 9:45 a.m.)**

1. **ROLL CALL**
2. **REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**
3. **REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)**  
- **DPA Representatives**
4. **REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)**  
- **Maeley Tom**
5. **REPORT OF THE CHIEF COUNSEL – Elise Rose**
6. **NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

7. **REPORT ON LEGISLATION – Sherry Evans**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

**(9:45 a.m. – 10:30 a.m.)**

8. **SPECIAL HEARING – California State Personnel Board Staff**

Approximately nine of the forty largest state department directors will meet with the Board to review progress and efforts to comply with statutes pertaining to civil rights and equal employment opportunity.

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<sup>3</sup> The Agenda for the Board Meetings can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

**BREAK**

**(10:30 a.m. – 10:45 a.m.)**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(10:45 a.m. – 11:15 a.m.)**

**9. ORAL ARGUMENT**

In the matter of **AUWANA BROWN, CASE NO. 00-3446**. Appeal to set aside resignation. Police Officer. California State University, Fresno.

**(11:15 a.m. – 11:45 a.m.)**

**10. ORAL ARGUMENT**

In the matter of **JACK FRIEDMAN, CASE NO. 05-2596A & JOHN COLOCOUSIS, CASE NO. 05-2595A & 06-0016A**  
Appeal from official reprimand and official reprimand and five workdays' suspension. Physician and Surgeon, Correctional Facility. Department of Corrections and Rehabilitation.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**(11:45 a.m. – 12:00 p.m.)**

**11. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**LUNCH**

**(12:00 p.m. – 1:00 p.m.)**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(1:00 p.m. – 1:30 p.m.)**

**12. ORAL ARGUMENT**

Oral argument in the matter of **RAYMOND GURULE, CASE NO. 05-1351A**.  
Appeal from dismissal. Youth Correctional Officer. Department of the Youth  
Authority.

**(1:30 p.m. – 2:00 p.m.)**

**13. ORAL ARGUMENT**

Oral argument in the matter of **JONATHAN SILVERMAN, CASE NO. 05-0078A**.  
Appeal from dismissal. Workers' Compensation Payroll Auditor. Workers  
Compensation Insurance Fund.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**(2:00 p.m. – 2:45 p.m.)**

**14. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND  
OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**15. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS,  
AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE  
LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected,  
remanded, and submitted decisions; petitions for rehearing; and other matters  
related to cases heard by administrative law judges of the State Personnel Board  
or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

**16. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding  
pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1) and 18653.]

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

Patrick McCollum v. State of California  
United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Service Employees International Union, Local 1000 (CSEA) v. California Office of State Printing, Department of General Services, et al., Sacramento County Superior Court Case No. 05CS01230.

Brian Van Slyke v. State Personnel Board, et al.  
Sacramento Superior Court Case No. 05CS01776

**17. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**18. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(2:45 p.m. – 3:45 p.m.)**

**19. CALTRANS HEARING – California State Personnel Board Staff**

The California Department of Transportation (Caltrans) proposes to abolish the existing eligibility lists for the Staff Services Manager I and Staff Services Manager II created by Caltrans. [Click here to link to the final SPB audit of the Caltrans SSM I and II Exams.](#)

**(3:45 p.m. – Onwards)**

**20. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF SEPTEMBER 20, 2006, IN SACRAMENTO, CALIFORNIA**

**BOARD ACTIONS:**

**21. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF JULY 25, 2006**

**22. EVIDENTIARY CASES - (See Case Listings on Pages 11–17)**

**23. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Agenda on Pages 22–23)**

**24. NON-EVIDENTIARY CASES - (See Case Listings on Pages 17–19)**

**25. NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE**

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.



Title	Class Code
Legislative and Information Coordinator, Commission on Teaching Credentialing, C.E.A.	1347
Comptroller Department of Water Resources	4570
Assistant Chief, Investments, State Teacher Retirement System	4516
Division Chief Retirement Systems	4259
Fire Prevention Assistant	1096
Information Systems Supervisor, California Postsecondary Education Commission	1366
Assistant Aircraft Parts Manager/Mechanic	6879
Aircraft Mechanic	8484
Supervisor Tax Area Services	3025
Senior Tax Area Delineator	3024
Tax Area Delineator	3027
Electrician/Power Line Worker	6539
Administrator, California Education Publications	2736
Departmental Food Administrator, Special Schools	2276
Manager, Commodity Processing Programs	4919
Chief Office of Governmental Affairs, Department of Education, C.E.A.	4705
Supervising Claim Auditor, Welfare Programs	1773
Claims Auditor, Welfare Program	1772
Chief Division for the Blind	9426
Chief, Office for the Deaf, Department of Social Services	9431
Election Official, Public Employment Relations Board	1233
Regional Director, Public Employment Relations Board	9524
Public Employment Relations Specialist	8794
Administrator, Deferred Compensation Programs	5351

## **26. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

### **ASSOCIATE GOVERNMENTAL PROGRAM ANALYST**

The Department of Personnel Administration proposes the following revisions to the Associate Governmental Program Analyst (AGPA) class specification: remove all references to the Staff Governmental Program Analyst (SGPA) classification which was abolished in 1994; revising the specification into a single class format; and re-titling the specification to Associate Governmental Program Analyst from Governmental Program Analyst.

## **27. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**DEPUTY DIRECTOR, CONSUMER PROTECTION AND GENERATOR PERFORMANCE**

**CONSUMER PROTECTION AND SAFETY DIVISION**

The Public Utilities Commission proposes to allocate the above position to the CEA category. The Deputy Director, Consumer Protection and Generator Performance serves as the chief policy development and implementation advisor in the design and functioning of the Division's consumer protection and safety goals, objectives, priorities and work plans.

**DEPUTY DIRECTOR, PUBLIC SAFETY AND SECURITY**

The Department of Water Resources proposes to allocate the above position to the CEA category. The Deputy Director, Public Safety and Security is the principal policymaker in all public safety issues, such as flood protection and management, dam safety and departmental security.

**DEPUTY DIRECTOR, BUSINESS OPERATIONS**

The Department of Water Resources proposes to allocate the above position to the CEA category. The Deputy Director, Business Operations is the principal policymaker on business operations issues such as SPB, which is the Department's enterprise resource planning (ERP) software (SAP), human resources, budget, information technology, fiscal systems, contracts, business services and strategic planning.

**ASSISTANT COUNSEL, STATE CONTRACT SERVICES**

The State Compensation Insurance Fund proposes that the above position be allocated to the CEA category. The Assistant Counsel, State Contract Services will be responsible for program management and policy formulation for the legal function of the State Contract Services program.

**OMBUDSMEN, KERN VALLEY STATE PRISON**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Ombudsmen, Kern Valley State Prison will be responsible for policy and public relations issues involving Kern Valley State Prison.

**DEPUTY DIVISION CHIEF, DIVISION OF LAND RESOURCE PROTECTION**

The Department of Conservation proposes to allocate the above position to the CEA category. The Deputy Division Chief, Division of Land Resource Protection assists in the planning, organizing and directing of staff responsible for the operation of the Division of Land Resource Protection.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**PROJECT DIRECTOR, REAL ID PROJECT OFFICE**

The Department of Motor Vehicles proposal to allocate the above position to the CEA category has been approved effective August 10, 2006.

**PROJECT DIRECTOR, BUSINESS INFORMATION SYSTEMS**

The California Department of Corrections and Rehabilitation's proposal to allocate the above position to the CEA category has been approved effective August 10, 2006.

**PROGRAM DIRECTOR, WASTE COMPLIANCE AND MITIGATION PROGRAM**

**PROGRAM DIRECTOR, SUSTAINABILITY PROGRAM**

The California Integrated Waste Management Board proposal to re-allocate their existing CEA positions titled, Deputy Director, Diversion, Planning and Local Assistance; and Deputy Director, Waste Prevention and Market Development to the above positions has been approved effective August 10, 2006.

\*\*\*\*Note: the above positions were incorrectly listed on the 8/8/2006 Board Meeting Agenda as: Project Director, Waste Compliance and Mitigation Program; and Project Director, Sustainability Program. The correct titles are listed above. \*\*\*\*

**ASSISTANT SECRETARY, PROGRAM PERFORMANCE AND TRACKING**

**ASSISTANT SECRETARY, STRATEGIC PLANNING**

The California Bay Delta Authority has withdrawn their proposals to allocate the above positions to the CEA category effective July 12, 2006.

\*\*\*\*Note: the above positions were incorrectly listed on the 8/8/2006 Board Meeting Agenda as: Assistant Secretary, Policy and Finance; and Assistant Secretary, Water Management and Regional Coordination. The correct titles are listed above. \*\*\*\*

**28. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**29. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**30. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**31. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Pages 20–21)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

**A D J O U R N M E N T**

## 22. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

### A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) **PRECILLA CALAUNAN, CASE NO. 05-1737RPA**

Appeal from dismissal

**Classification:** Psychiatric Technician Assistant

**Department:** Department of Developmental Services

Petition for Rehearing granted March 8, 2006.

Transcript prepared.

Pending oral argument July 11, 2006, Sacramento.

Oral argument heard July 11, 2006, Sacramento.

Case ready for decision by FULL Board.

(2) **PAUL CHATHAM, CASE NO. 05-1287A**

**SARAH WIRTH, CASE NO. 05-1599A**

Appeal from five percent reduction in salary for six months and two work days suspension

**Classification:** Correctional Lieutenant and Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected May 2, 2006.

Transcript prepared.

Pending oral argument July 11, 2006, Sacramento.

Oral argument heard July 11, 2006, Sacramento.

Case ready for decision by FULL Board.

(3) **LEE KENDRICK, CASE NO. 04-1620PA**

Appeal from dismissal

**Classification:** Transportation Surveyor

**Department:** Department of Transportation

Petition for Rehearing granted April 4, 2006.

Transcript prepared.

Pending oral argument August 8, 2006, Los Angeles.

Oral argument heard August 8, 2006, Los Angeles.

Case ready for decision by FULL Board.

- (4) **RAYMOND SLEDGE, CASE NO. 04-2809PA**  
Appeal from dismissal  
**Classification:** Youth Correctional Counselor  
**Department:** Department of the Youth Authority
- Petition for Rehearing granted March 8, 2006.  
Transcript prepared.  
Pending oral argument August 8, 2006, Los Angeles.  
Oral argument heard August 8, 2006, Los Angeles.  
Case ready for decision by FULL Board.

**B. CASES PENDING**

**ORAL ARGUMENTS**

- (1) **AUWANA BROWN, CASE NO. 00-3446**  
Appeal to set aside resignation  
**Classification:** Police Officer  
**Department:** California State University, Fresno
- (2) **JACK FRIEDMAN, CASE NO. 05-2596A**  
**JOHN COLOCOUSIS, CASE NO. 05-2595A & 06-0016A**  
Appeal from official reprimand and official reprimand and five workdays' suspension  
**Classification:** Physician and Surgeon, Correctional Facility  
**Department:** Department of Corrections and Rehabilitation
- (3) **RAYMOND GURULE, CASE NO. 05-1351A**  
Appeal from dismissal  
**Classification:** Youth Correctional Officer  
**Department:** Department of the Youth Authority
- (4) **JONATHAN SILVERMAN, CASE NO. 05-0078A**  
Appeal from dismissal  
**Classification:** Workers' Compensation Payroll Auditor  
**Department:** Workers Compensation Insurance Fund

**C. CHIEF COUNSEL RESOLUTIONS**

- (1) **SMYRNA CALVA, CASE NO. 05-0464**  
Appeal from dismissal  
**Classification:** Racing License Technician II  
**Department:** California Horse Racing Board  
Request for approval of Settlement Agreement

- (2) **HABTNESH EZRA, CASE NO. 05-1286**  
Appeal from 30 work days suspension  
**Classification:** Nurse Evaluator II, DHS  
**Department:** Department of Health Services  
Withdrawal of action or appeal
- (3) **LINDA STONESTREET, CASE NO. 03-3547E**  
Appeal from reasonable accommodation  
**Classification:** Park Maintenance Worker I  
**Department:** Department of Parks and Recreation  
Request for Order to show cause
- (4) **KEVIN WOLF, CASE NO. 04-0278**  
Appeal from official/formal reprimand  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
Stipulation for Settlement

#### **COURT REMANDS**

This case has been remanded to the Board by the court for further Board action.

**NONE**

#### **STIPULATIONS**

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

#### **D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

##### **PROPOSED DECISIONS**

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) **RICK ADAMS, CASE NO. 06-0626**  
Appeal from rejection during probationary period  
**Classification:** Fire Apparatus Engineer  
**Department:** Department of Forestry and Fire Protection
- (2) **BRIAN FARR, CASE NO. 05-3113**  
Appeal from ten percent reduction in salary for two months  
**Classification:** Senior Vocational Rehabilitation Counselor  
**Department:** Department of Rehabilitation

- (3) **FELIX J. FIGUEROA, CASE NO. 06-0623**  
Appeal from ten percent reduction in salary for twelve months  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation
- (4) **LOUIS GARCIA, CASE NO. 04-2112**  
Appeal from dismissal  
**Classification:** Parole Agent I, AP  
**Department:** Department of Corrections and Rehabilitation
- (5) **KENNETH L. JACKSON, JR., CASE NO. 05-0638**  
Appeal from dismissal  
**Classification:** Conservationist I  
**Department:** California Conservation Corps
- (6) **JAMES B. MUNCH, CASE NO. 05-4426**  
Appeal from demotion and five percent reduction in salary  
**Classification:** Senior Water Resource Control Engineer  
**Department:** California Regional Water Quality Control Board
- (7) **BABU RAO, CASE NO. 06-0639**  
Appeal from rejection during probationary period  
**Classification:** Physician and Surgeon  
**Department:** Department of Corrections and Rehabilitation
- (8) **LAURA VILLEGAS-PERDOMO, CASE NO. 06-0784**  
Appeal from ten percent reduction in salary for twelve months  
**Classification:** Psychiatric Technician  
**Department:** Department of Developmental Services

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**

**NONE**

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

**NONE**



**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **SHAWN E. PERKINS, CASE NO. 05-3105P**  
Appeal from 20 workdays' suspension  
**Classification:** Water Resources Technician II  
**Department:** Department of Water Resources

**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**NONE**

**F. PENDING BOARD REVIEW**

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **JACK FRIEDMAN, M.D., CASE NO. 05-2596A**  
**JOHN S. COLOCOUSIS, M.D., CASE NO. 05-2592A**  
Appeal from formal reprimand and formal reprimand and five work days suspension  
**Classification:** Physician and Surgeon, Correctional Facility  
**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected June 6, 2006.

Transcript prepared.

Pending oral argument September 5, 2006, Sacramento.

- (2) **GAIL GARCIA, CASE NO. 05-3030A**  
Appeal from constructive demotion  
**Classification:** Office Technician  
**Department:** Department of Developmental Services

Proposed decision rejected May 2, 2006.

Transcript prepared.

Pending oral argument August 8, 2006, Los Angeles.

Oral argument continued.

Pending oral argument October 31–November 1, 2006, San Diego.

- (3) **RAYMOND GURULE, CASE NO. 05-1351A**  
Appeal from dismissal  
**Classification:** Youth Correctional Officer  
**Department:** Department of the Youth Authority  
  
Proposed decision rejected April 4, 2006.  
Transcript prepared.  
Pending oral argument August 8, 2006, Los Angeles.  
Oral argument continued.  
Pending oral argument September 5, 2006, Sacramento.
- (4) **CHAD LOOK, CASE NO. 04-1789APB**  
Appeal for back pay  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected June 21, 2006.  
Transcript prepared.  
Pending oral argument October 31–November 1, 2006, San Diego.
- (5) **TIFFANY MIRANDA, CASE NO. 05-4330A**  
Appeal from dismissal  
**Classification:** Custodian Supervisor II  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected June 21, 2006.  
Transcript prepared.  
Pending oral argument October 10–11, 2006, Sacramento.
- (6) **DEYANIRA MOLINA, CASE NO. 05-1567A**  
Appeal from dismissal  
**Classification:** Housing Finance Specialist (General)  
**Department:** California Housing Finance Agency  
  
Proposed decision rejected July 11, 2006.  
Transcript prepared.  
Pending oral argument October 31–November 1, 2006, San Diego.
- (7) **NICHOLAS ORLANDO, CASE NO. 05-1875A**  
Appeal from rejection during probationary period  
**Classification:** Equipment Material Specialist  
**Department:** Department of Transportation  
  
Proposed decision rejected August 8, 2006.  
Pending transcript.

**(8) JONATHAN SILVERMAN, CASE NO. 05-0078A**

Appeal from dismissal

**Classification:** Workers' Compensation Payroll Auditor

**Department:** State Compensation Insurance Fund

Proposed decision rejected May 23, 2006.

Transcript prepared.

Pending oral argument September 5, 2006, Sacramento.

**(9) JAMES STEED, CASE NO. 05-0207PA**

Appeal from constructive medical suspension

**Classification:** Facility Captain

**Department:** Department of Corrections and Rehabilitation

Petition for Rehearing granted March 8, 2006.

Transcript prepared.

Pending oral argument August 8–9, 2006, Los Angeles.

Oral argument continued.

Pending oral argument October 10–11, 2006, Sacramento.

**24. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

**(1) LOGAN COURTNEY, CASE NO. 05-1296**

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**Issue:** Suitability; omitted pertinent information.

**(2) JUSTIN HILL, CASE NO. 05-1396**

**Classification:** Cadet

**Department:** California Highway Patrol

**Issue:** Suitability; due to a demonstrated lack of judgment and integrity.

- (3) **ANN JOHNSON, CASE NO. 05-1307**  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted information, furnished inaccurate information, had a negative employment record and failed to comply with instructions.
- (4) **RODGER MANNKA, CASE NO. 05-1984**  
**Classification:** Motor Vehicle Field Representative  
**Department:** Department of Motor Vehicles  
**Issue:** Suitability; felony conviction.
- **MAURICIO GARCIA, CASE NO. 05-2567**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- **ALI HAYATDAVOUDI, CASE NO. 05-0669**  
**Classification:** Environmental Planner  
**Department:** Department of Transportation

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

- (1) **WILLIAM BUSCH, CASE NO. 05-2734**  
**Classification:** Correctional Officer  
**Department:** Department of Correction and Rehabilitation
- (2) **JOEL JOHNSON, CASE NO. 05-1320**  
**Classification:** Correctional Officer  
**Department:** Department of Correction and Rehabilitation
- **DANIEL FISCHBACH, CASE NO. 06-0656**  
**Classification:** Psychiatric Technician Assistant  
**Department:** Department of Mental Health
- **MICHELE HELMAR, CASE NO. 05-4407**  
**Classification:** Correctional Administrator  
**Department:** Department of Corrections and Rehabilitation
- **ESKER ROBERTS, CASE NO. 06-0651**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation

- **MATTHEW ALLRED, CASE NO. 06-2004N**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation
- **HEIDI SCHWARZ, CASE NO. 05-3616**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation

**C. EXAMINATION APPEALS**  
**MINIMUM QUALIFICATIONS**  
**MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**NONE**

**D. RULE 211 APPEALS**  
**RULE 212 OUT OF CLASS APPEALS**  
**VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**NONE**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

- (1) LAKISHA PARHAM-DAVIS, CASE NO. 05-3045**  
**Classification:** Staff Service Analyst  
**Department:** Department of Conservation

**PETITIONS FOR REHEARING CASES**

**NONE**

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**6. HEARING – Public Hearing Regarding State Employment Application (STD. 678 (Rev/ 12/2001))**

Should the Instructions section of the state employment application, pursuant to Richard Toby (2001) SPB Dec. No. 01-04, clarify whether employees who have been rejected during their probationary period be required to answer "Yes" to Question No. 5 of the employment application? (Hearing held July 11, 2006.)

**7. PRECILLA CALAUNAN, CASE NO. 05-1737RPA**

Appeal from dismissal. Psychiatric Technician Assistant. Department of Developmental Services. (Oral argument held July 11, 2006.)

**8. PAUL CHATHAM, CASE NO. 05-1287A &  
SARAH WIRTH, CASE NO. 05-1599A**

Appeal from five percent reduction in salary for six months and two work days suspension. Correctional Lieutenant and Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held July 11, 2006.)

**9. LEE KENDRICK, III, CASE NO. 04-1620PA**

Appeal from dismissal. Transportation Surveyor. Department of Transportation. (Oral argument held August 8, 2006.)

**10. RAYMOND SLEDGE, CASE NO. 04-2809PA**

Appeal from dismissal. Youth Correctional Officer. Department of the Youth Authority. (Oral argument held August 8, 2006.)

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.



**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*



1

(Cal. 09/05/06)

TO: Members  
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

The status of major legislation being followed for impact on Board programs and the general administration of the State Civil Service Merit System is detailed in the attached report.

Any legislative action that takes place after the printing of this report, which requires discussion with the Board, will be covered during the Board meeting.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry A. Evans'.

Sherry Evans  
Director of Legislation

Attachment

**STATE PERSONNEL BOARD  
LEGISLATIVE TRACKING  
REPORT  
2005-06 SESSION**

**Status as of August 23, 2006**



BILL/ AUTHOR	BOARD POSITION	SUBJECT	STATUS OF BILL
<a href="#">AB 271</a> ( <a href="#">Blakeslee</a> )	<b>Oppose</b>	Would provide that a person appointed to any state scientist class on or after January 1, 2006, shall, at a minimum, have a baccalaureate degree in a scientific discipline from a foreign or domestic accredited university.	06/15/2005-Referred to Com. on P.E. & R. 06/15/2005-S P.E. & R.
<a href="#">AB 546</a> ( <a href="#">Garcia</a> )	<b>No Position</b>	This bill would make it unlawful for any person to knowingly use a state-owned or state-leased computer to access, view, download, or otherwise obtain obscene matter, as defined in the Penal Code, except for specifically authorized purposes.	08/21/2006-Enrolled and to the Governor at 2:45 p.m. 08/21/2006-A ENROLLED
<a href="#">AB 1897</a> ( <a href="#">Dymally</a> )	<b>Neutral</b>	This bill would expand the remedies available to individuals who file discrimination complaints with the State Personnel Board by authorizing the State Personnel Board to award reasonable attorney's fees and costs.	08/07/2006-Placed on Appropriations Suspense file. (AYES 13. NOES 0.) (PASS) [8/17/2006 Calendared for S. APPR. and not heard] 08/17/2006-S APPR. SUSPENSE FILE
<a href="#">AB 2069</a> ( <a href="#">Maze</a> )	<b>Neutral</b>	This bill would prohibit a public agency from hiring an applicant who does not possess a required degree from an accredited institution, where possession of a degree from an accredited institution is a requirement for the position. In addition, this bill would require public agencies to verify the possession of a degree from an accredited institution prior to appointment in cases where the job description so requires.	08/10/2006-Read second time. To third reading. 08/10/2006-S THIRD READING 08/23/06 192 SEN THIRD READING FILE
<a href="#">AB 2241</a> (Committee on Public Employees, Retirement and Soci)	<b>SUPPORT</b>	Would allow the State Personnel Board to use skills-based certification in order to create "unique" lists of eligible individuals for each information technology vacancy.	08/16/2006-In Assembly. To enrollment. 08/16/2006-A ENROLLMENT
<a href="#">AB 2420</a> ( <a href="#">Lieu</a> )	<b>No Position</b>	Proposes the expansion of data collection categories for Asians and Pacific Islanders from eleven racial/ethnic categories to twenty-three racial/ethnic categories.	08/07/2006-Placed on Appropriations Suspense file. (AYES 13. NOES 0.) (PASS) [8/17/2006 Calendared for S. APPR. and not heard] 08/17/2006-S APPR. SUSPENSE FILE

<a href="#"><u>AB 2550</u></a> ( <a href="#"><u>Blakeslee</u></a> )	<b>Neutral</b>	Among other things, this bill would require that any qualified member of the militia, and any widow, widower, or spouse of a qualified member, shall be awarded preference points for any civil service employment.	08/22/2006-Senate amendments concurred in. To enrollment. 08/22/2006-A ENROLLMENT
<a href="#"><u>AB 2591</u></a> ( <a href="#"><u>Keene</u></a> )	<b>Neutral</b>	Would until July 1, 2010, require each state agency to submit to the department an annual report on the status of that agency's liquidated and delinquent accounts as of the end of the previous fiscal year and efforts made by the agency to collect those accounts. It would define liquidated and delinquent accounts for this purpose as any loans, accounts receivable, fines, assessments, penalties, or other monetary obligation owed to a state agency that is unpaid for 180 or more days after the obligation was first due to that state agency. It would require the director of the department, by no later than February 28 of each year, to submit to the Legislature a report on the status of liquidated and delinquent accounts of state agencies.	08/07/2006-From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 9. Noes 0.). Read second time, amended, and re-referred to Com. on APPR. 08/14/2006-S APPR. SUSPENSE FILE
<a href="#"><u>AB 2903</u></a> ( <a href="#"><u>Huff</u></a> )	<b>SUPPORT</b>	Would authorize the Department of Motor Vehicles to conduct competitive examinations on a position-by-position basis for specified managerial and supervisory classifications as agreed to by the State Personnel Board, as specified. The bill would also make legislative findings and declarations with regard to a related demonstration project. This bill contains other existing laws.	07/21/2006-Chaptered by the Secretary of State, Chapter Number 110, Statutes of 2006 07/21/2006-A CHAPTERED
<a href="#"><u>AB 2927</u></a> ( <a href="#"><u>Leno</u></a> )	<b>No Position</b>	This bill would require state and local agencies to post on their website specified information concerning access to public records and would require agencies to post copies of specified documents on their website. The bill would authorize legal action to enforce its provisions and would authorize the imposition of attorneys' fees and costs on the agency for noncompliance. The bill would also authorize the imposition of monetary penalties of up to \$100 per day, up to a maximum of \$10,000, as well as discovery costs and attorneys' fees.	08/21/2006-From committee: Do pass. (Ayes 13. Noes 0.). Read second time. To third reading. 08/21/2006-S THIRD READING 08/23/06 324 SEN THIRD READING FILE
<a href="#"><u>AB 2945</u></a> ( <a href="#"><u>Spitzer</u></a> )	<b>No Position</b>	Would redesignate a multijurisdictional drug law enforcement agency as a multijurisdictional law enforcement agency, and would permit a multijurisdictional law enforcement agency to instead hold a closed session to discuss any criminal investigation. This bill would also define a multijurisdictional law enforcement agency as a joint powers entity, as specified, that provides law enforcement services for the parties to the joint powers agreement. This bill contains other related provisions.	08/22/2006-From committee: Be placed on second reading file pursuant to Senate Rule 28.8 and be amended. 08/22/2006-S SECOND READING 08/23/06 1 SEN SECOND READING FILE

<a href="#">SB 1636</a> ( <a href="#">Ackerman</a> )	<b>Neutral</b>	<p>This bill would amend the Uniform Trade Secrets Act to, among other things, clarify those situations under which records containing trade secrets or confidential commercial or financial information may be disclosed, and the procedures for discovery and disclosure of such information. Those provisions of the bill have little or no application to the State Personnel Board. This bill would also, however, amend the Public Records Act (Government Code section 6250 et seq.) to provide that subpoenas duces tecum for public records in judicial or administrative proceedings in which the public agency in possession of the records is not a party to the action, shall be deemed a request for records under the Public Records Act and shall be processed accordingly. The bill would require the custodian of records for the public agency to notify the judicial or administrative agency that the public agency will not produce the records in accordance with the subpoena, but instead will only produce those records in accordance with the requirements of the Public Records Act. Those provisions of the bill will have a direct impact on the State Personnel Board.</p>	<p>07/07/2006-Chaptered by Secretary of State. Chapter 62, Statutes of 2006. 07/07/2006-S CHAPTERED</p>
<a href="#">SB 1745</a> ( <a href="#">Kuehl</a> )	<b>No Position</b>	<p>This bill would amend the Civil Code to require landlords to replace the locks of a building they are renting if a victim of domestic violence makes such a request and produces a copy of a court-issued restraining order against a co-tenant. The landlord would be prohibited from providing keys for the new locks to the person against whom the restraining order was issued. In addition, the bill would provide that the person against whom the restraining order was issued would not be released from their obligations under the lease, but would permit the victim of domestic violence to be released from any lease obligations. This bill would also amend the Fair Employment and Housing Act to include as a protected class persons who possess status as a victim of domestic violence, sexual assault or stalking.</p>	<p>08/14/2006-Read third time. Passed. Action rescinded and record expunged whereby bill passed. 08/08/2006-A THIRD READING 08/23/06 98 ASM THIRD READING FILE</p>

**MEMO TO:** STATE PERSONNEL BOARD

**FROM:** JUDY O'DAY, Chief  
Division of Human Resources  
Department of Transportation

**REVIEWED BY:** LAURA AGUILERA, Assistant Executive Officer  
State Personnel Board

**SUBJECT:** ADOPTION OF PROPOSED RESOLUTION TO ABOLISH STAFF  
SERVICES MANAGER I AND STAFF SERVICES MANAGER II  
(SUPERVISORY) ELIGIBLE LISTS CREATED BY THE  
CALIFORNIA DEPARTMENT OF TRANSPORTATION

### **REASON FOR HEARING**

The California Department of Transportation (Caltrans) is requesting that the eligible lists created from the Staff Services Manager (SSM) I and SSM II promotional examinations given by the Department be abolished even though persons on the lists have not had 12 months of eligibility as required by statute. This hearing is to allow the Board to consider this issue and to hear comments from interested parties. All employees impacted by this item were noticed, in writing, approximately 30 days prior to the hearing, have been allowed to submit comments, and have been informed that they may appear at the hearing to testify.

### **BACKGROUND**

In March 2006, State Personnel Board (SPB) Exam Services staff received a complaint regarding a Caltrans employee who participated in the SSM I examination whose answer sheet was lost. SPB Exam Services staff then contacted Caltrans to advise that, because of the lost answer sheet and the use of a three-rank list for both the SSM I and II examinations, these eligible lists were being placed on hold pursuant to Government Code Section 18901 (d). While investigating the complaint, SPB Exam Services staff identified other problems with the exams that may have negatively impacted some exam candidates' eligibility. SPB advised Caltrans that all candidates must be accounted for properly in these examinations and the omission of a candidate from an eligible list disadvantages the candidate(s) in not allowing them to be certified or seek promotional employment opportunities. As a result, SPB notified Caltrans that a complete audit would be conducted and the lists would remain on hold pending the results of the audit. Following are the examination issues identified in the audit report.

Written Test Administration: Exam materials were not reconciled and audited (i.e., Proctor Reports did not account for the number of competitors, test booklets, answer sheets, or notification letters, and returned exam materials were not audited resulting in at least one answer sheet being lost).

Scoring: The electronic scoring key for the SSM II exam did not match the manual scoring key and the electronic scoring key was mis-keyed, resulting in the incorrect scoring of electronically scored candidates.

Eligible List Creation/Reschedules (Reasonable Accommodation/Religious): Both eligible lists were created without accounting for all candidates, with some candidates being scored incorrectly, and without completing the rescheduled testing for the disabled and religious competitors.

Reschedules (General): Candidates who had errors in the processing phase were inappropriately rescheduled after the eligible list was released.

Reschedules (Scoring): Hand scoring of the answer sheets for the SSM I rescheduled candidates and answer sheets that errored out in the electronic scanning process were incorrectly hand scored. The SSM II manual scoring key was inaccurate resulting in the incorrect scoring of the rescheduled candidates.

Appeals: Three appellants who failed the SSM I exam alleged their written test was scored incorrectly. It was discovered that an incorrect pass point was used, resulting in one of the three appellants actually passing the exam.

Based on the severity of the problems identified in the audit findings and because a number of candidates were denied timely list eligibility, Caltrans and SPB Exam Services staff have concluded that the only appropriate action is to abolish the current SSM I and II eligible lists. To ensure a fair and equitable process for all SSM I and II exam candidates, Caltrans requests the abolishment of the current SSM I and II eligible lists. New SSM I and II examinations will be administered for all who are eligible to apply and new lists will be established. Caltrans has requested that SPB administer these exams to ensure compliance in the establishment of these lists. In addition, Caltrans is implementing the following corrective actions to improve the quality of future examinations:

- Ensure implementation of audit procedures for each step of the exam process.
- Work with the SPB Exam Services staff to ensure Caltrans exam staff are properly trained on all processes including proper audit procedures, scoring, and scheduling.
- Implement quality review processes.
- Conduct proctor training for all examination staff and departmental proctors.

### **RECOMMENDATION:**

That the five-member Board adopt the following resolutions abolishing Caltrans' SSM I and II (Supervisory) eligible lists effective September 6, 2006:

WHEREAS, Article VII, Section 1, subdivision (b) of the California Constitution provides, "In the civil service permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination;" and

WHEREAS, Government Code 18930, in relevant part, provides, "Examinations for the establishment of eligible lists shall be competitive and of such character as fairly to test and determine the qualifications, fitness and ability of competitors actually to perform the duties of the class of position for which they seek appointment..." and



WHEREAS, Government Code 18930.5, in relevant part, provides, "The Board may audit examinations and order corrective action or nullify any examination or parts thereof which have been conducted improperly..." and

WHEREAS, the State Personnel Board staff reviewed the Staff Services Manager I and II (Supervisory) examinations and found serious problems, and

WHEREAS, the State Personnel Board placed on hold these eligible lists pending the outcome of an audit, and

WHEREAS, the Department of Transportation has notified all eligible candidates on the existing lists about the lists being placed on hold, assuring them that SPB and the Office of Examination Services will do everything they can to expedite a resolution to this matter; and

WHEREAS, the Department of Transportation did not make nor intend to make any appointments from the SSM I and II (Supervisory) eligible lists after the Department was notified of the audit on March 3, 2006; and

WHEREAS, the Department of Transportation is requesting that the Board abolish the SSM I and II (Supervisory) eligible lists effective September 6, 2006; therefore be it

RESOLVED AND ORDERED, that the State Personnel Board hereby abolishes the California Department of Transportation's Staff Services Manager I merged eligibility list dated January 16, 2001, and the Staff Services Manager II (Supervisory) merged eligible list dated February 13, 2001, effective September 6, 2006; and be it further

RESOLVED, that any appointments made from the Department of Transportation's Staff Services Manager I and II (Supervisory) eligible lists prior to March 3, 2006, where the employee officially began the duties of the new position shall remain in effect; and be it further

RESOLVED, that the 15 appeals received by the State Personnel Board for the Staff Services Manager I and II (Supervisory) examinations administered by the California Department of Transportation in November and December of 2005, shall be considered closed with no further action; and be it further

RESOLVED, that the State Personnel Board's Merit Employment and Technical Resources Division shall review and approve each step of any Staff Services Manager I and Staff Services Manager II examinations given by the Department of Transportation for a period of two years beginning September 7, 2006, through September 6, 2008, to ensure the Department of Transportation's examinations and selections are administered in accordance with the merit principle. During this time period, the SPB staff shall provide technical guidance, and/or oversight as needed.

**STATE PERSONNEL BOARD**

**NON-HEARING CALENDAR**

**RE: BOARD DATE SEPTEMBER 5, 2006**

(Cal. 09/05/06)

**MEMO TO :** STATE PERSONNEL BOARD

**FROM :** KAREN COFFEE, Chief, Merit Employment and  
Technical Resources Division

**SUBJECT :** Non-Hearing Calendar Items for Board Action

The staff has evaluated these items and recommends the following actions be taken:

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE**

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES. WHEN CLASSES ARE PROPOSED TO BE ABOLISHED WHICH ARE PART OF A CLASS SERIES, AND OTHER CLASSES WITHIN THE SERIES WILL CONTINUE TO BE USED, THE CLASS SPECIFICATION IS INCLUDED IN THE BOARD ITEM.**

<b>Title</b>	<b>Class Code</b>
Legislative and Information Coordinator,	
Commission on Teaching Credentialing, C.E.A.	1347
Comptroller Department of Water Resources	4570
Assistant Chief, Investments, State Teacher	
Retirement System	4516
Division Chief Retirement Systems	4259
Fire Prevention Assistant	1096
Information Systems Supervisor, California	
Postsecondary Education Commission	1366
Assistant Aircraft Parts Manager/Mechanic	6879
Aircraft Mechanic	8484
Supervisor Tax Area Services	3025
Senior Tax Area Delineator	3024
Tax Area Delineator	3027
Electrician/Power Line Worker	6539
Administrator, California Education Publications	2736
Departmental Food Administrator, Special Schools	2276

<b>Title</b>	<b>Class Code</b>
Manager, Commodity Processing Programs	4919
Chief Office of Governmental Affairs, Department of Education, C.E.A.	4705
Supervising Claim Auditor, Welfare Programs	1773
Claims Auditor, Welfare Program	1772
Chief Division for the Blind	9426
Chief, Office for the Deaf, Department of Social Services	9431
Election Official, Public Employment Relations Board	1233
Regional Director, Public Employment Relations Board	9524
Public Employment Relations Specialist	8794
Administrator, Deferred Compensation Programs	5351

(Cal. 09/05/06)

**MEMO TO :** STATE PERSONNEL BOARD

**FROM :** KAREN COFFEE, Chief, Merit Employment and  
Technical Resources Division

**SUBJECT :** Staff Calendar Items for Board Information

**ASSOCIATE GOVERNMENTAL PROGRAM ANALYST**

The Department of Personnel Administration proposes the following revisions to the Associate Governmental Program Analyst (AGPA) class specification: remove all references to the Staff Governmental Program Analyst (SGPA) classification which was abolished in 1994; revising the specification into a single class format; and re-titling the specification to Associate Governmental Program Analyst from Governmental Program Analyst.

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*State of California*

**MEMORANDUM**

TO: Karen Coffee  
State Personnel Board  
801 Capital Mall  
Sacramento, CA 95814

DATE: July 11, 2006

FROM: David Rechs  
Personnel Program Analyst  
Department of Personnel Administration

REVIEWED BY: Dan Tokunaga  
Staff Personnel Program Analyst  
Department of Personnel Administration  
  
Debra Thompsen  
Personnel Program Manager I  
Department of Personnel Administration

SUBJECT: Staff Calendar Item. Revising the Associate Governmental Program Analyst Specification into a Single Class Format.

**SUMMARY OF ISSUES:**

The Associate Governmental Program Analyst (AGPA) class specification should be revised to remove all references to the Staff Governmental Program Analyst (SGPA) classification abolished in 1994. The current AGPA specification is found in a "series" format and still contains the abolished SGPA class language. This makes the specification inaccurate and confusing.

**BACKGROUND:**

Currently, the AGPA is the benchmark for the service-wide journey level analyst class. It has approximately 3,600 incumbents. It was originally part of a four class series established in 1969 which included the Assistant Governmental Program Analyst, the Associate Governmental Program Analyst, the Staff Governmental Program Analyst and Senior Governmental Program Analyst classifications. The Assistant Governmental Program Analyst classification was abolished in 1974, followed by the Senior Governmental Program Analyst class which was abolished in 1980. The Staff Governmental Program Analyst was abolished in 1994, but the specification was never revised to reflect this fact.

**RECOMMENDED CHANGE:**

DPA recommends a revision to the current AGPA specification by:

- Re-titling the specification to Associate Governmental Program Analyst from Governmental Program Analyst.
- Removing all SGPA references found in the current specification.
- Revising the specification into a single class format.

## JUSTIFICATION:

Proposed revisions to specification are "clean up" and formatting issues only. Specification wording has been taken verbatim from original AGPA specification. The Minimum Qualifications, Knowledge and Abilities and Personal Requirements remain unchanged.

SEIU does not oppose the revision. The Union contact person is Margarita Maldonado and can be reached at (916) 326-4243, if there are any questions.

Enclosure: (Proposed Specification)

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APPROVAL

(Below To Be Completed by SPB Staff)

SPB Staff Signature: *Karin Coffey*  
Title: *Chief, Merit Employment & Technical Resources Division*  
Effective Date: *7/28/06*

(SPB Staff: Send Original Approved Staff Item to DPA Pay Letter Coordinator, Susan Salata.)

# CALIFORNIA STATE PERSONNEL BOARD

## SPECIFICATION

Schematic Code: JY35  
Class Code: 5393  
Established: 10/1/69  
Revised: 5/9/79  
Title Changed: --

### ASSOCIATE GOVERNMENTAL PROGRAM ANALYST

#### DEFINITION

Under direction, incumbents perform the more responsible, varied, and complex technical analytical staff services assignments such as program evaluation and planning; policy analysis and formulation; systems development; budgeting, planning, management, and personnel analysis; and continually provide consultative services to management or others. This is the full journey level analyst class. Incumbents are typically subject-matter generalists who have demonstrated possession of intellectual abilities, the management tools, and the personal qualifications to succeed in a variety of general staff services settings.

#### TYPICAL TASKS

Incumbents are assigned to work on a broad range of governmental and managerial problems that may be interdisciplinary in nature. Incumbents may be assigned to work as field representatives in complex and controversial intergovernmental negotiations. Incumbents conduct and/or review analytical studies and surveys; formulate procedures, policies, and program alternatives; make recommendations on a broad spectrum of administrative and program-related problems; review and analyze proposed legislation and advise management on the impact or potential impact; may act as team leaders or coordinate the efforts of representatives of various governmental agencies on larger projects; represent the State or a given department as assigned; and perform other related duties.

#### MINIMUM QUALIFICATIONS

State experience applied toward the "General Experience" pattern must include at least one year in a class at a level of responsibility equivalent to that of the promotional class.

Experience applicable to one of the following patterns may be combined on a proportional basis with experience applicable to the other patterns to meet the total experience requirements, provided that the combined qualifying experience totals at least 30 months. Education may not be used to reduce this 30-month limit.



Education: The following education is required when general experience is used to qualify at any level: equivalent to graduation from college. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

and

Either I

Experience: One year of experience performing the duties of a Staff Services Analyst, Range C. or

Or II

Experience: Three years of professional analytical experience performing duties in one or a combination of the following or closely related areas: budgeting, management analysis, personnel, planning, program evaluation, or policy analysis.

Promotional candidates who are within six months of satisfying the experience requirement for this class will be admitted to the examination, but they must fully meet the experience requirement before being eligible for appointment.

(One year of graduate work in public or business administration, industrial relations, psychology, law, political science, or a related field may be substituted for six months of the required nonsupervisory experience.)

#### KNOWLEDGE AND ABILITIES

Knowledge of: Principles, practices, and trends of public and business administration, management, and supportive staff services such as budgeting, personnel, and management analysis; government functions and organization; and methods and techniques of effective conference leadership.

Ability to: Reason logically and creatively and utilize a variety of analytical techniques to resolve complex governmental and managerial problems; develop and evaluate alternatives; analyze data and present ideas and information effectively both orally and in writing; consult with and advise administrators or other interested parties on a wide variety of subject-matter areas; gain and maintain the confidence and cooperation of those contacted during the course of work; coordinate the work of others, act as a team or conference leader; and appear before legislative and other committees.

#### SPECIAL PERSONAL REQUIREMENTS

Demonstrated ability to act independently, open-mindedness, flexibility, and tact.

ccd/sks